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August 26, 2003

FACSIMILE COVER SHEET

Please deliver the following pages to:

Name: **Examiner Shubo Zhou**
Facsimile No. 703/308-4242
Our File No. 2848-43
Serial No. 09/834309
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PTOL-413A (08-03)
Approved for use through 07/31/2006, OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 09/834309 First Named Applicant: Xiaojiang Chen
Examiner: Zhou, Shubo Art Unit: 1631 Status of Application: after final

Tentative Participants:

(1) Angela D. Sebor 42,460 (2) Michael Holers (5) Amalissa Phillbin
(3) Michelle Land (4) Vivian Dullien

Proposed Date of Interview: Sept 8 or 10 Proposed Time: 3:00 (AM/PM) EST

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES

☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Agreed
(1) <u>Rej</u>	<u>1-7, 24</u>	<u>Mond, Proding, et al.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Rej</u>	<u>1-7, 16, 24</u>	<u>Mohammadi et al.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

~~with regard to issues 1-4~~ See attached sheet.

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Angela Sebor
(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Continuation Sheet for PTOL-413A

Applicants' agent, Angela Dallas Sebor (formerly Angela K. Dallas), respectfully requests a telephone interview with Examiner Zhou and his supervisor. Representatives from the inventors and the Assignee of record will also attend the interview by telephone. If the dates referenced on the request form are not acceptable to the Examiners, the Examiners are respectfully requested to contact Applicants' agent with a proposal of an alternate date and time.

Issue 1

Rejection of Claims 1-7 & 24 under 35 U.S.C. § 103 over Mond et al. in view of Proding et al. and further in view of Hampton Research.

Applicants wish to discuss the rejection of record because it seems to Applicants that the Examiner's reply did not fully consider all of Applicants' points as set forth in the March 17 response. In general, the reply reiterated the prior rejection and touched on a few of Applicants' points outside the context of the legal argument in which they were made. In brief, Applicants would like to discuss: (1) the failure of the combination of references to teach each and every element of the claims; (2) the failure of the combination of references to provide a reasonable expectation of success at arriving at the invention. Specifically, the Examiner states that the possibility that Proding et al. may have disclosed an incorrect model does not vitiate the fact that Proding et al. disclose the importance of the SCR1-2 region of CR2 in ligand binding. However, Applicants' point was first, that a teaching of the importance of the SCR1-2 region of CR2 in ligand binding is not sufficient to teach the elements of the invention that are deficient in the other references in the combination. Second, Applicants' point regarding the incorrect model was that the failure of Proding et al. to arrive at a correct model strongly favors Applicants' position that the combination of references fails to provide a reasonable expectation of success for arriving at the claimed invention. The Examiner's reply did not address all of Applicants' specific arguments in the March 17 response as they were applied to the alleged *prima facie* case of obviousness and therefore, Applicants believe that a telephone interview would be useful to have a more productive discussion of the issues.

Issue 2

Rejection of Claims 1-7, 16 and 24 under 35 U.S.C. § 103 over Mohammadi et al.

The Examiner has predicated this rejection on the contention that the atomic coordinates recited in the claims are non-functional descriptive material, and that this is the only basis on which the claimed process differs from the prior art. Applicants wish to specifically discuss the position that the claimed method does not differ from Mohammadi et al. solely with respect to the atomic coordinates. This position was carefully outlined in the response filed on March 17, 2003 and is believed to have merit. However, it is submitted that the Examiner's position as set forth in the final Office Action mailed May 30, 2003, did not answer the substance of Applicants' arguments in the March 17 response, but instead simply reiterated the prior rejection. Therefore, Applicants were unable to ascertain from the Examiner's reply why their specific argument was not persuasive, since the reply did not specifically address any of the Applicants' points. For this reason, Applicants believe that a telephone interview is warranted so that the issue can be discussed.

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